

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

MAURICE J. MOYER, Executor of the )  
Estate of Thomas Jerome Moyer, and )  
MAURICE J. MOYER, individually, )

Plaintiffs, )

v. )

C.A. No. 06C-01-149-JEB

ANDREW GELMAN, D.O. )  
ORTHOPEDIC SPECIALISTS, and ST. )  
FRANCIS HEALTHCARE SERVICES )  
d/b/a ST. FRANCIS HOSPITAL, )

Defendants. )

Submitted: March 13, 2006

Decided: March 15, 2006

*Upon in camera review of Plaintiff's Affidavits of Merit.  
Affidavits Accepted.*

**ORDER**

*Appearances:*

Joseph M. Jachetti, Esquire, Wilmington, Delaware.  
Attorney for the Plaintiff.

Dennis D. Ferri, Esquire, Wilmington, Delaware.  
Attorney for Defendant St. Francis Hospital.

**JOHN E. BABIARZ, JR., JUDGE**

Upon motion by Defendant St. Francis Hospital under 18 *Del. C.* § 6853(d), the Court has considered *in camera* whether the affidavits of merit filed by Plaintiff in this medical negligence case comply with subdivisions (a)(1) and (c) of 18 *Del. C.* § 6853. Plaintiff filed an affidavit from an expert pertaining, and the Court finds that the affidavits comply with the statute as set forth below:

1. Each of the three affidavits sets forth the expert's opinion that there are reasonable medical grounds to believe that the applicable standard of care was breached and that such breach caused the injuries claimed in the Complaint.
2. The affidavits are accompanied by a current *curriculum vitae* of the expert who signed the affidavits.
3. The expert is licensed to practice medicine as of the date of the affidavit, has practiced in the same or similar field of medicine as the Defendants in the three years preceding the alleged negligent acts, and is Board-certified in the same or similar field of medicine as the Defendants.

The affidavits filed by Plaintiff meet the statutory requirements as to all Defendants.

***It Is So ORDERED.***

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Judge John E. Babiarz, Jr.

JEB,Jr./rm/bjw  
Original to Prothonotary